

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE M.H.S. ANSARI

and

THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 23627 of 2004

Between:

Syed Sajid Hussain, S/o Syed Ahammed Hussain, Muslim,
R/o 5-65, Busepur, Balkonda, Nizamabad District.

..... PETITIONER

AND

1 The Deputy Transport Commissioner and Secretary,

Regional Transport Authority, Nizamabad.

2 The Motor Vehicles Inspector, Armoor, Nizamabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the seizure and continued detention of petitioner's Maxicab bearing Regd.No. AP 25 U 1138 seized under Vehicle check Report No. 0076829 dated 09-

11-2004 by the 2nd respondent ie., the Motor Vehicles Inspector, Armour, Nizamabad District as illegal, unjust, arbitrary, unconstitutional and without jurisdiction and consequently direct the respondents to forthwith release the petitioner's vehicle Maxicab bearing Regd.No. AP 25 U 1138 , to the petitioner, and to pass such other order or orders

Counsel for the Petitioner:MR.RAJANIKANTH JWALA

Counsel for the Respondent Nos.1 & 2.: GP FOR TRANSPORT

The Court made the following :

O R D E R (Per MHSA,J)

From the averments and enclosures to the writ petition it would appear that the Maxicab bearing registration No.AP 25U 1138 was seized under check report and detained at Motor Vehicle Inspector's Office, Armour. Petitioner is seeking release of the same and the prayer for that relief amongst others is made in the instant writ

petition.

2. Having heard oral submissions made on behalf of the respondent authorities by their learned Government Pleader, we are inclined to dispose of the matter with certain appropriate directions.

3. As per the vehicle check report, certain violations have been recorded. We are not inclined to go into the merits of the same, as it is within the province of the respondent authorities to consider the same and to pass appropriate orders in accordance with law. However with regard to the release of the vehicle in question, we are inclined to direct that the petitioner shall make an ad hoc deposit of a sum of Rs.6,000/- (Rupees six thousand only) before the 1st respondent – the Deputy Transport Commissioner and further produce Registration Certificate Book (R.C. Book) and driving licence in original, and also furnish an undertaking in writing that the petitioner shall not transfer, alienate or encumber the vehicle in question pending disposal of the enquiry, whereupon the interim custody of the vehicle in question shall be given to the petitioner, pending enquiry into the allegations as to violations in terms of the vehicle check report in question.

4. It is clarified that it shall be open to the respondent authorities to proceed with the enquiry into the aforesaid violations in accordance with law. It is also open to the respondent authorities to appropriate the sum of Rs.6,000/- hereby directed to be deposited as ad hoc, pursuant to such orders as may be passed in relation thereto.

5. It is also clarified that this order shall not preclude the petitioner from compounding, if so advised, the violations if they are otherwise compoundable and for the respondent authorities to consider such

prayer as and when made by the petitioner in that behalf.

6. With the directions as above, the writ petition stands disposed of.

No costs.

M.H.S.ANSARI,J

T.CH.SURYA RAO

NOTE:

Operative portion of the
order by wire at party's cost.

To

- 1 The Deputy Transport Commissioner and Secretary,
Regional Transport Authority, Nizamabad.
- 2 The Motor Vehicles Inspector, Armoor, Nizamabad District.
3. To C.C.s to G.P. for Transport, High Court Building,
Hyderabad.(O.U.T.)
4. Two C.D. copies.

